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5 Attorney for Petitioner
6 NAVNEET GHOTRA

7 UNITED STATES DISTRICT COURT

8 NORTHERN DISTRICT OF CALIFORNIA

9
10 **NAVNEET GHOTRA,**) CASE NO: C07-4428 MMC
11 Petitioner,)
12 v.)
13 **MICHAEL CHERTOFF**, Secretary,) PETITIONER'S AMENDED THIRD
14 Department of Homeland) UNOPPOSED MOTION TO EXTEND TIME
Security, **NANCY ALCANTAR**, Field) BY ONE BUSINESS DAY TO FILE
15 Office Director, Immigration) REPLY TO OPPOSITION TO
and Customs Enforcement, and) PETITION; PROPOSED ORDER
16 **ALBERTO GONZALES**, Attorney) [Alien Registration No.:
General of the United States,) A77 381 997]
17 Respondent.) Hearing Date: October 12, 2007
18) Time: 9:00 a.m.
19 _____ /
20

21 Pursuant to Local Rules 6-1 and 6-3, Navneet Ghotra,
22 petitioner herein, hereby respectfully moves the Judge of the
United States District Court, Northern District of California,
for an order extending the time to reply to Respondent's
Opposition to Petition for Writ of Habeas Corpus from the
current due date of October 2, 2007 to the next business day,
October 3, 2007.

1 Counsel for respondents herein, Edward Olsen, Assistant
2 United States Attorney, United States Attorney Office, does not
3 oppose this motion.

4 The reason for this motion is that counsel for petitioner
5 has been in protracted contested habeas corpus proceedings in
6 Garcia Garnica v. Chertoff, et. al., United States District
7 Court, Northern District of California, Case No. C07-4953 SBA
8 and Garcia Garnica v. Chertoff, et. al., United States Court of
9 Appeals for the Ninth Circuit, Case No. 07-16737, and Case No.
10 05-75751, recall of mandate, and on October 2, 2007, counsel had
11 to complete an amended brief in Fonseca Ramirez v. Gonzales,
12 United States Court of Appeals for the Ninth Circuit, Case No.
13 04-73367, for the past eight days and has been unable to
14 complete the reply due to the unanticipated conflict.

15 Based on the foregoing, it is respectfully requested that
16 the motion be granted.

17 Dated: October 2, 2007

18 /s/
19 JAMES TODD BENNETT
Attorney for Petitioner
Navneet Ghotra

20
21 **DECLARATION OF COUNSEL**

22 I, James Todd Bennett, hereby declare that:

23 1. I am an attorney at law, duly licensed to practice law
24 by the California State Bar.

25 2. I am counsel of record for petitioner herein.

1 3. The reply to the Respondent's Opposition to Petition
2 for Writ of Habeas Corpus is currently due by September 28, 2007
3 by the court's order pursuant to stipulation by the parties.

4 4. For the past eight days, I have been in protracted
5 contested habeas corpus proceedings in Garcia Garnica v.
6 Chertoff, et. al., United States District Court, Northern
7 District of California, Case No. C07-4953 SBA, and before the
8 United States Court of Appeals for the Ninth Circuit, Case No.
9 07-16737, followed by a motion to recall mandate and reinstate
10 proceedings in Case No. 05-75751. On October 2, 2007, counsel
11 was delayed in an immigration hearing and then had to complete
12 the amended brief in Fonseca Ramirez v. Gonzales, United States
13 Court of Appeals for the Ninth Circuit, Case No. 04-73367.

14 5. I am unable to complete the reply herein by October 1,
15 2007 due to the conflict and request leave to October 2, 2007
16 within which to respond.

17 6. On October 2, 2007 I conferred with Edward Olsen,
18 Assistant United States Attorney, United States Attorney Office,
19 counsel for respondents, and he stated he does not oppose this
20 motion.

21 7. One prior modification has been requested and granted.

22 8. The requested extension will not modify the hearing
23 date of October 12, 2007 unless otherwise ordered by the court.

9. Based on the foregoing, it is requested that the time to reply be extended to October 3, 2007.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on October 2, 2007 at El Cerrito, California.

/ s /

PROPOSED ORDER

Upon a showing of good cause:

The time for petitioner to reply to the Respondent's Opposition to Petition for Writ of Habeas Corpus is extended to October 3, 2007.

MAXINE M. CHESNEY
United States District Judge